

January 30, 1957

Honorable Eralsey C. Ferguson
President, New Hampshire Senate
Concord, New Hampshire

Dear President Ferguson:

You have inquired whether two bills -- one establishing a special fund for payments to persons killed or injured from accidental shooting, and the other establishing a special fund for towns and cities for deer killed therein -- are required to be introduced in the House of Representatives in consequence of the enjoiner of Article 18 of Part Second, New Hampshire Constitution, that "All money bills shall originate in the house of representatives; but the senate may propose, or concur with, amendments, as on other bills."

Article 18 of Part Second was the subject of an advisory Opinion of the Justices of the New Hampshire Supreme Court on March 6, 1901, at which time the General Court requested an interpretation of the history of this constitutional provision and whether the phrase "all money bills" was something more or something less than the phrase in the temporary Constitution adopted on January 5, 1776, "That all bills, resolves, or votes for raising, levying, or collecting money originate in the house of representatives." In its Opinion the Supreme Court ruled that it was of the opinion that all bills for the raising of revenue must originate in the House of Representatives, but that all other bills might originate in the Senate. Our highest Court found that early practice on this point in this State was the same as in the Commonwealth of Massachusetts, and cited the Opinion of the Justices, 126 Mass. 557.

Examination of the precedents, the Massachusetts practice, and the Opinion of the Justices above cited compels the conclusion that the phrase "all money bills" includes general revenue

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measures and does not extend to bills having other valid purposes and as a part of which either an appropriation is required or a fee or fine is proposed ancillary to the accomplishment of a legislative purpose distinct from the raising of general revenue.

The proposed act establishing a municipal deer fund is amendatory to RSA 208, which is a general statute dealing with game animals. As such it is not, in my opinion, a general revenue measure required by Part Second, Article 18, to originate in the House of Representatives. In the same sense the act purporting to create a hunters' compensation fund is amendatory to RSA 214, the general statute providing for licenses for hunters, fishermen, trappers and others. As such this act also, in my opinion, is not a general revenue measure and is not required to originate in the House of Representatives.

Respectfully submitted,

Louis C. Wyman
Attorney General

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